

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JEFFREY DESKOVIC,

Plaintiff,

vs.

CITY OF PEEKSKILL, PUTNAM COUNTY,
WESTCHESTER COUNTY, DAVID LEVINE,
THOMAS MCINTYRE, WALTER BROVARSKI,
EUGENE TUMOLO, JOHN AND JANE DOE
SUPERVISORS, DANIEL STEPHENS, LOUIS
ROH, MILLARD HYLAND, PETER INSERO, and
LEGAL AID SOCIETY OF WESTCHESTER
COUNTY,

Defendants.

Index No. CV-07-8150 (KMK)(GAY)

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE
AS TO
TRAVELERS INDEMNITY COMPANY
as successor-in-interest to GULF
INSURANCE COMPANY
REGARDING
PEEKSKILL'S THIRD-PARTY ACTIONS
IN BOTH THE *DESKOVIC* AND
MCGARR ACTIONS**

LINDA MCGARR,

Plaintiff,

vs.

CITY OF PEEKSKILL, WESTCHESTER
COUNTY, DAVID LEVINE, THOMAS
MCINTYRE, WALTER BROVARSKI, EUGENE
TUMOLO, JOHN AND JANE DOE
SUPERVISORS, DANIEL STEPHENS, LOUIS
ROH, AND MILLARD HYLAND,

Defendants.

Index No. CV-07-9488 (KMK)(GAY)

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CITY OF PEEKSKILL,

Third-Party Plaintiff,

vs.

WESTPORT INSURANCE CORPORATION as
successor-in-interest to NORTH RIVER
INSURANCE COMPANY, WESTPORT
INSURANCE CORPORATION as a successor-in-
interest to INTERNATIONAL INSURANCE
COMPANY, UNDERWRITERS AT LLOYD'S,
LONDON, CX REINSURANCE COMPANY
LIMITED as successor-in-interest to CNA
INTERNATIONAL REINSURANCE
COMPANY, CX REINSURANCE COMPANY
LIMITED as successor-in-interest to CNA
REINSURANCE OF LONDON, LIMITED,
SPHERE DRAKE INSURANCE PLC, ILLINOIS
UNION INSURANCE COMPANY, UNITED
NATIONAL INSURANCE COMPANY,
TRAVELERS INDEMNITY COMPANY as
successor-in-interest to GULF INSURANCE
COMPANY, AMERICAN MOTORISTS
INSURANCE COMPANY as successor-in-
interest to AMERICAN PROTECTION
INSURANCE COMPANY, AMERICAN
MOTORISTS INSURANCE COMPANY as
successor-in-interest to SPECIALTY NATIONAL
INSURANCE COMPANY, HARCO NATIONAL
INSURANCE COMPANY, and AMERICAN
ZURICH INSURANCE COMPANY

Third-Party Defendants.

WHEREAS, Third-Party Plaintiff City of Peekskill ("Plaintiff" or "Peekskill") has asserted claims against Third Party Defendant Travelers Indemnity Company as successor-in-interest to Gulf Insurance Company ("Travelers") in the above-captioned Third-Party Actions filed in both *Deskovic v. City of Peekskill, et al.*, No. 07-CV-8150 (the "*Deskovic* Action") and *McGarr v. City of Peekskill, et al.*, No. 07-CV-9488 (the "*McGarr* Action").

WHEREAS, the undersigned parties hereby give notice that the above-captioned Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions is voluntarily dismissed, with prejudice, against Travelers.

WHEREAS, the above-captioned Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions filed against the remaining Third-Party Defendants have or will be dismissed with or without prejudice by separate stipulations so that the Third-Party Actions filed in both the *Deskovic* and *McGarr* Actions will each be dismissed in their entirety.

WHEREAS, Peekskill and Travelers seek to reduce the expense and burden of litigation to themselves, to the other parties in this action, and to the Court.

NOW, THEREFORE, in consideration of this Stipulation of Dismissal With Prejudice, Peekskill and Travelers, by and through their respective counsel of record, hereby mutually agree to the following:

STIPULATION OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties that all claims are dismissed with prejudice as against Travelers pursuant to Federal Rule of Civil Procedure 41 and court order.

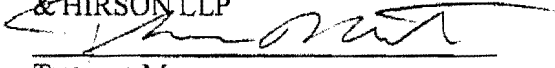
IT IS FURTHER STIPULATED AND AGREED, that each undersigned party shall bear its own costs and attorneys' fees.

IT IS FURTHER STIPULATED AND AGREED, that this Stipulation may be signed in counterparts with all counterparts together constituting one complete Stipulation and that signatures received by facsimile or e-mail shall be deemed an original for purposes of this Stipulation.

[signatures pages to follow]

January 14, 2014
Dated: ~~December~~ 14, 2013

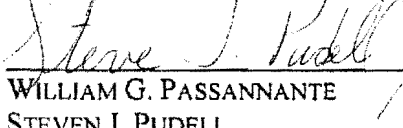
PUTNEY TWOMBLY HALL
& HIRSON LLP

By: 
THOMAS MARTIN
521 FIFTH AVENUE
NEW YORK, NEW YORK 10175

ATTORNEYS FOR THIRD-PARTY
DEFENDANT TRAVELERS
INDEMNITY COMPANY AS
SUCCESSOR-IN-INTEREST TO GULF
INSURANCE COMPANY

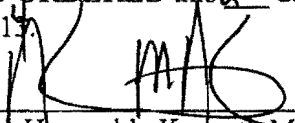
January 21, 2014
Dated: ~~December~~ 21, 2013

ANDERSON KILL P.C.

By: 
WILLIAM G. PASSANNANTE
STEVEN J. PUDELL
1251 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10020
TEL: (212) 278-1000

ATTORNEYS FOR THIRD-PARTY
PLAINTIFF CITY OF PEEKSKILL

SO ORDERED this 24th *January* day of ~~December~~,
2013.


The Honorable Kenneth M. Karas
United States District Judge